

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	2

MR. SPEAKER:

*Your Committee on Interstate and International Cooperation, to which was referred House Bill 1010, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-10-1-12 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A special and
- 4 distinct revolving fund is hereby created, to be known as the Indiana
- 5 port fund. Expenditures from said fund shall be made only for the
- 6 acquisition of **the following**:
- 7 (1) Land including lands under water and riparian rights, or
- 8 options for the purchase of such land for a port site, and incidental
- 9 expenses incurred in connection with such acquisition. ~~and for~~
- 10 (2) Studies in connection with the port project.
- 11 (3) **Studies in connection with transportation by water,**
- 12 **intermodal transportation, and other modes of**
- 13 **transportation. and**
- 14 (4) ~~including~~ Administrative expenses of the commission.
- 15 Said fund shall be held in the name of the Indiana port commission,
- 16 shall be administered by the commission, and all expenditures

therefrom shall be made by the commission, subject, however, to the approval by governor and the state budget committee of all expenditures of moneys advanced to said fund by the state of Indiana. Requests for such approval shall be made in such form as shall be prescribed by the budget committee, but expenditures for acquisition of land including lands under water and riparian rights, or options for the purchase of such land, shall be specifically requested and approved as to the land to be acquired and the amount to be expended. No transfers from said fund to any other fund of the state shall be made except pursuant to legislative action. All unexpended funds appropriated to the Indiana board of public harbors and terminals by Acts 1957, c.286, s.6, are hereby transferred to and made a part of the Indiana port fund created by this section, and shall be expended for the purpose and in the manner provided by this chapter, subject only to the restrictions contained in this chapter and no others; provided, however, that not to exceed one hundred thousand dollars (\$100,000) shall be expended for any purpose other than the acquisition of land, including lands under water and riparian rights, or options for the purchase of such land for a port site, and incidental expenses incurred in connection with such acquisition.

(b) Upon the sale of port revenue bonds for any port project, the funds expended from the Indiana port fund in connection with the development of such project and any obligation or expense incurred by the commission for surveys, preparation of plans and specifications, and other engineering or other services in connection with development of such project shall be reimbursed to the state general fund from the proceeds of such bonds.

SECTION 2. IC 36-7-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The following members of the commission shall be appointed from each county in the region:

(1) A representative of the county executive who may be either a member of the executive or a person appointed by it.

(2) A representative of the county fiscal body who must be a member of the fiscal body.

(b) The following members of the commission shall be appointed from each county in the region having a population of more than fifty thousand (50,000):

(1) The county surveyor or a person appointed by ~~him~~ the

1 **surveyor.**

2 (2) Two (2) persons appointed by the executive of each
3 municipality having a population of more than fifty thousand
4 (50,000).

5 (3) ~~Except for a commission in which a county having a~~
6 ~~population of more than four hundred thousand (400,000) but less~~
7 ~~than seven hundred thousand (700,000) participates; One (1)~~
8 ~~person appointed by the executive of each of the seven (7) largest~~
9 ~~municipalities having a population of less than fifty thousand~~
10 ~~(50,000). If there are fewer than seven (7) municipalities, enough~~
11 ~~additional persons appointed by the county executive to bring the~~
12 ~~total appointed under this subdivision to seven (7).~~

13 (4) ~~For a commission in which a county having a population of~~
14 ~~more than four hundred thousand (400,000) but less than seven~~
15 ~~hundred thousand (700,000) participates; the membership is as~~
16 ~~follows:~~

17 (A) ~~For a county having a population of not more than four~~
18 ~~hundred thousand (400,000); one (1) person appointed by the~~
19 ~~executive of each of the eight (8) largest municipalities having~~
20 ~~a population of less than fifty thousand (50,000).~~

21 (B) ~~For a county having a population of more than four~~
22 ~~hundred thousand (400,000) but less than seven hundred~~
23 ~~thousand (700,000); one (1) person appointed by the executive~~
24 ~~of each city having a population of less than fifty thousand~~
25 ~~(50,000) and one (1) person appointed by the executive of~~
26 ~~each of the five (5) towns with the largest population.~~

27 (c) The following members of the commission shall be appointed
28 from each county in the region having a population of less than fifty
29 thousand (50,000):

30 (1) One (1) person appointed by the executive of each of the five
31 (5) largest municipalities or of each municipality if there are
32 fewer than five (5).

33 (2) If there are fewer than five (5) municipalities, enough
34 additional persons appointed by the county executive to bring the
35 total appointed under this subsection to five (5).

36 (d) One (1) voting member of the commission shall be appointed by
37 the governor.

38 (e) At least two-thirds (2/3) of the commission members must be

1 elected officials. All persons appointed to the commission must be:

2 (1) knowledgeable in matters of physical, social, or economic
3 development of the region; and

4 (2) residents of the municipality, county, or region that they
5 represent.

6 A member of the commission may also serve as a member of a plan
7 commission in the region.

8 (f) Members of the commission shall serve without salary but may
9 be reimbursed for expenses incurred in the performance of their duties.

10 (g) The respective appointing authorities shall certify their
11 appointments, and the certification shall be retained as a part of the
12 records of the commission.

13 ~~(h) This subsection applies to a commission that does not include~~
14 ~~members from a county having a population of more than four hundred~~
15 ~~thousand (400,000) but less than seven hundred thousand (700,000).~~
16 If a vacancy occurs by resignation or otherwise, the respective
17 appointing authority shall appoint a member for the unexpired term.
18 Members shall be certified annually, and their terms expire on
19 December 31 of each year.

20 SECTION 3. IC 36-7-7-12 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The commission
22 shall prepare and adopt an annual appropriation budget for its
23 operation, which shall be apportioned to each participating county on
24 a pro rata per capita basis. After adoption, any amount that does not
25 exceed an amount for each participating county equal to

26 ~~(1) seventy cents (\$0.70) per capita for each participating county~~
27 ~~in a commission in which a county having a population of more~~
28 ~~than four hundred thousand (400,000) but less than seven~~
29 ~~hundred thousand (700,000) participates; and~~

30 ~~(2) thirty cents (\$0.30) per capita for all other commissions;~~

31 shall be certified to the respective county auditor who shall advertise
32 the amount and establish the rate in the same manner as other county
33 budgets. Any amount of the adopted budget that exceeds an amount
34 equal to ~~seventy cents (\$0.70) per capita for each participating county~~
35 ~~in a commission in which a county having a population of more than~~
36 ~~four hundred thousand (400,000) but less than seven hundred thousand~~
37 ~~(700,000) participates and thirty cents (\$0.30) per capita for each~~
38 ~~participating county for all other commissions~~ is subject to review by

1 the county fiscal body in the usual manner of budget review. The tax
2 so levied and certified shall be estimated and entered upon the tax
3 duplicates by the county auditor and shall be collected and enforced by
4 the county treasurer in the same manner as other county taxes are
5 estimated, entered, collected, and enforced. The tax, as collected by the
6 county treasurer, shall be transferred to the commission.

7 (b) In fixing and determining the amount of the necessary levy for
8 the purpose provided in this section, the commission shall take into
9 consideration the amount of revenue, if any, to be derived from the
10 federal grants, contractual services, and miscellaneous revenues above
11 the amount of those revenues considered necessary to be applied upon
12 or reserved upon the operation, maintenance, and administrative
13 expenses for working capital throughout the year.

14 (c) After approval no sums may be expended except as budgeted
15 unless the commission authorizes their expenditure. Before the
16 expenditure of sums appropriated as provided in this section, a claim
17 must be filed and processed as other claims for allowance or
18 disallowance, for payment as provided by law.

19 (d) Any two (2) of the following officers may allow claims:

20 (1) Chairman.

21 (2) Vice chairman.

22 (3) Secretary.

23 (4) Treasurer.

24 The treasurer of the commission may receive, disburse, and otherwise
25 handle funds of the commission subject to applicable statutes and
26 procedures established by the commission.

27 (e) The commission shall act as a board of finance under the statutes
28 relating to the deposit of public funds by political subdivisions.

29 (f) Any appropriated money remaining unexpended or
30 unencumbered at the end of the year becomes part of a nonreverting
31 cumulative fund to be held in the name of the commission. Unbudgeted
32 expenditures from this fund may be authorized by vote of the
33 commission and upon other approval as required by statute. The
34 commission is responsible for the safekeeping and deposit of such
35 sums, and the state board of accounts shall prescribe the methods and
36 forms for keeping the accounts, records, and books to be used by the
37 commission. The books, records, and accounts of the commission shall
38 be periodically audited by the state board of accounts, and these audits

1 shall be paid for as provided by statute.

2 SECTION 4. IC 36-7-7.6 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2003]:

5 **Chapter 7.6. Northwestern Indiana Regional Planning**
6 **Commission**

7 **Sec. 1. This chapter applies to the area consisting of the**
8 **following counties:**

9 (1) **A county having a population of more than four hundred**
10 **thousand (400,000) but less than seven hundred thousand**
11 **(700,000).**

12 (2) **A county having a population of more than one hundred**
13 **forty-five thousand (145,000) but less than one hundred**
14 **forty-eight thousand (148,000).**

15 (3) **A county having a population of more than one hundred**
16 **ten thousand (110,000) but less than one hundred fifteen**
17 **thousand (115,000).**

18 **Sec. 2. As used in this chapter, "commission" means the**
19 **northwestern Indiana regional planning commission established by**
20 **section 3 of this chapter.**

21 **Sec. 3. The northwestern Indiana regional planning commission**
22 **is established for the area described in section 1 of this chapter.**

23 **Sec. 4. (a) The following members shall be appointed to the**
24 **commission:**

25 (1) **A member of the county executive of each county**
26 **described in section 1 of this chapter, to be appointed by the**
27 **county executive.**

28 (2) **A member of the county fiscal body of each county**
29 **described in section 1 of this chapter, to be appointed by the**
30 **county fiscal body.**

31 (3) **The county surveyor of each county described in section 1**
32 **of this chapter.**

33 (4) **For a county having a population of not more than four**
34 **hundred thousand (400,000), one (1) person appointed by the**
35 **executive of each of the eleven (11) largest municipalities.**

36 (5) **For a county having a population of more than four**
37 **hundred thousand (400,000) but less than seven hundred**
38 **thousand (700,000), one (1) person appointed by the executive**

of each of the nineteen (19) largest municipalities.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

Sec. 5. (a) All commission members must be elected officials.

(b) All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

(c) A member of the commission may also serve as a member of a plan commission in the region.

(d) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

(e) The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

(f) Each member serves at the pleasure of the appointing authority. The appointing authority shall give written notice to the commission of a change of an appointee and the effective date of that change.

(g) If a vacancy occurs by resignation or otherwise, the appointing authority shall promptly appoint a replacement member.

(h) If a member of the commission is absent for more than three (3) consecutive meetings of the full commission, the commission shall notify that member's appointing authority and request the appointing authority to do one (1) of the following:

(1) Replace the member.

(2) Take action to assure the member's conscientious attendance at meetings of the full commission.

Sec. 6. (a) At its first regular meeting in each year, the commission shall elect from its members a chairperson, vice chairperson, secretary, and treasurer.

(b) Not more than two (2) of the officers elected under subsection (a) may be from the same county. If the area served by the commission is divided into subregions under section 19 of this

1 chapter, there must be at least one (1) officer from each subregion.

2 (c) The vice chairperson may act as chairperson during the
3 absence or disability of the chairperson.

4 Sec. 7. (a) The commission shall fix the time and place for
5 holding regular meetings, but it shall meet:

6 (1) at least quarterly; and

7 (2) at other times established by the commission or the
8 executive board of the commission.

9 (b) The chairperson of the commission or five (5) members of
10 the commission may call a special meeting of the commission upon
11 written request to the secretary of the commission. The secretary
12 shall send to all commission members at least forty-eight (48) hours
13 in advance of a special meeting a written notice fixing the time and
14 place of the special meeting. Written notice of a special meeting is
15 not required if:

16 (1) the time of the special meeting has been fixed in a regular
17 meeting; or

18 (2) all members are present at the special meeting.

19 (c) A commission member may waive notice of any meeting by
20 filing a written waiver with the secretary of the commission.

21 Sec. 8. The commission shall adopt rules for the transaction of
22 business and shall keep a record of its resolutions, transactions,
23 findings, and determinations. The commission's record is a public
24 record.

25 Sec. 9. (a) Twenty-six (26) commission members constitute a
26 quorum.

27 (b) An action of the commission is official only if both the
28 following apply:

29 (1) The action is authorized at a regular meeting or a properly
30 called special meeting in which at least one (1) member from
31 each county described in section 1 of this chapter is present.

32 (2) The action is authorized by:

33 (A) the affirmative votes of twenty-six (26) members of the
34 commission; or

35 (B) a weighted affirmative vote of more than fifty (50) if a
36 motion is made under subsection (c).

37 (c) Upon a motion by any one (1) member of the commission
38 that is properly seconded by another member at:

1 (1) a regular meeting; or

2 (2) a properly called special meeting;

3 the commission shall use the weighted voting process described in
4 subsection (d).

5 (d) Each commission member has a weighted vote determined
6 as follows:

7 (1) In the case of a member appointed by the executive of a
8 municipality, the member's weighted vote is determined in
9 STEP FIVE of the following formula:

10 STEP ONE: Determine the population of the municipality
11 as reported by the 2000 decennial census.

12 STEP TWO: Determine the sum population of the counties
13 described in section 1 of this chapter as reported by the
14 2000 decennial census.

15 STEP THREE: Divide the number determined in STEP
16 ONE by the number determined in STEP TWO.

17 STEP FOUR: Round the number determined in STEP
18 THREE to the nearest ten thousandth (0.0001).

19 STEP FIVE: Multiply the number determined in STEP
20 FOUR by one hundred (100).

21 (2) In the case of a member appointed by the executive of a
22 county, the member's weighted vote is determined in STEP
23 FIVE of the following formula:

24 STEP ONE: Determine the population of the area in the
25 county that is not within a municipality as reported by the
26 2000 decennial census.

27 STEP TWO: Determine the sum of the population of the
28 counties described in section 1 of this chapter as reported
29 by the 2000 decennial census.

30 STEP THREE: Divide the number determined in STEP
31 ONE by the number determined in STEP TWO.

32 STEP FOUR: Round the number determined in STEP
33 THREE to the nearest ten thousandth (0.0001).

34 STEP FIVE: Multiply the number determined in STEP
35 FOUR by fifty (50).

36 (3) In the case of a member appointed by a fiscal body, the
37 member's weighted vote is determined in STEP FIVE of the
38 following formula:

1 **STEP ONE: Determine the population of the area in the**
 2 **county that is not within a municipality as reported by the**
 3 **2000 decennial census.**

4 **STEP TWO: Determine the sum of the population of the**
 5 **counties described in section 1 of this chapter as reported**
 6 **by the 2000 decennial census.**

7 **STEP THREE: Divide the number determined in STEP**
 8 **ONE by the number determined in STEP TWO.**

9 **STEP FOUR: Round the number determined in STEP**
 10 **THREE to the nearest ten thousandth (0.0001).**

11 **STEP FIVE: Multiply the number determined in STEP**
 12 **FOUR by fifty (50).**

13 **Sec. 10. (a) The commission shall elect from among its members**
 14 **by simple majority vote an executive board that consists of the**
 15 **following:**

- 16 (1) **The four (4) officers of the commission.**
- 17 (2) **One (1) member of the commission from each county**
 18 **described in section 1 of this chapter.**
- 19 (3) **The member of the commission appointed by the governor.**

20 **(b) The members of the executive board referred to in**
 21 **subsection (a)(2) shall be elected by a vote of the full membership**
 22 **of the commission.**

23 **(c) If a vacancy occurs in a position on the executive board**
 24 **referred to in subsection (a)(2), a successor shall be elected from**
 25 **among the members in the same manner as the member whose**
 26 **position has been vacated.**

27 **(d) The executive board shall conduct the business of the**
 28 **commission, except for:**

- 29 (1) **the adoption and amendment of bylaws, rules, and**
 30 **procedures for the operation of the commission;**
- 31 (2) **the election of officers and members of the executive board**
 32 **as provided in this chapter; and**
- 33 (3) **the adoption of the annual appropriation budget after**
 34 **review by the executive board.**

35 **(e) The executive board shall meet regularly at least one (1) time**
 36 **each month, unless otherwise determined by its members. The**
 37 **executive board shall notify the full membership of the commission**
 38 **of all its meetings with copies of its preliminary or final agendas**

1 and shall report all its actions and determinations to the full
2 membership of the commission.

3 (f) A majority of members of the executive board constitutes a
4 quorum. An action of the executive board is official only if it is
5 authorized by an affirmative vote of a majority of the board at a
6 regular or properly called special meeting. Any action of the
7 executive board shall be reviewed at the next regular meeting of
8 the commission following the executive board's action. Upon
9 either:

10 (1) a decision by the majority of the board; or

11 (2) written request of a member of the commission;

12 an issue shall be brought to a vote of the full commission.

13 Sec. 11. (a) After review and recommendation by the executive
14 board, the commission shall appoint an executive director, who
15 serves at the pleasure of the commission. The executive director
16 must be qualified by training and experience in the management of
17 public agencies and must be knowledgeable in planning.

18 (b) The executive director is the chief administrative officer and
19 regular technical adviser of the commission. Subject to supervision
20 by the commission and in furtherance of the purposes of the
21 commission, the executive director:

22 (1) shall execute the commission functions;

23 (2) shall appoint and remove the staff of the commission;

24 (3) shall submit to the commission annually, or more often if
25 required, a status report on the operation of the commission;

26 (4) may, with the approval of the executive board, execute
27 contracts, leases, or agreements with other persons on behalf
28 of the commission;

29 (5) shall be given access by all governmental agencies upon
30 the executive director's written request, to all studies, reports,
31 surveys, records, and other information and material in their
32 possession that are required by the executive director for the
33 accomplishment of the activities and objectives of the
34 commission;

35 (6) shall propose annually a budget for the operation of the
36 commission and administer the budget as approved by the
37 commission;

38 (7) shall keep the records and care for and preserve all papers

1 and documents of the commission; and

2 (8) shall perform other duties and may exercise other powers
3 that the commission or the executive board delegates to the
4 executive director.

5 **Sec. 12.** The purpose of the commission is to institute and
6 maintain a comprehensive planning and programming process for:

7 (1) transportation;

8 (2) economic development; and

9 (3) environmental;

10 policy and provide a coordinative management process for the
11 counties described in section 1 of this chapter. The commission
12 shall coordinate its activities with all member units in the counties
13 and shall coordinate and assist the planning programs of member
14 units and the state that are related to its purpose.

15 **Sec. 13.** The commission may do any of the following in support
16 of a purpose listed under section 12 of this chapter:

17 (1) Transact business and enter into contracts.

18 (2) Receive grants or appropriations from federal, state, or
19 local governmental entities or from individuals or foundations
20 and enter into agreements or contracts regarding the
21 acceptance or use of those grants and appropriations to carry
22 out any of the activities of the commission.

23 (3) Apply for, receive, and disburse gifts, contributions, and
24 grants of funds or in-kind services.

25 (4) Acquire by grant, purchase, gift, devise, lease, or otherwise
26 and hold, use, sell, improve, maintain, operate, own, manage,
27 lease, or dispose of:

28 (A) real and personal property of every kind and nature;

29 and

30 (B) any right and interest;

31 as necessary for the exercise of, or convenient or useful for the
32 carrying out of, the commission's purposes under this chapter.

33 (5) Make and enter into all contracts, undertakings, and
34 agreements necessary or incidental to the performance of the
35 commission's purposes.

36 (6) Employ and fix the reasonable compensation of any
37 employees and agents the commission considers necessary.

38 (7) Contract for special and temporary services and for

- 1 professional assistance.
- 2 (8) Hold, use, administer, and expend money that is
- 3 appropriated or transferred to the commission.
- 4 (9) Make contracts and leases for facilities and services.
- 5 (10) Act as a coordinating agency for programs and activities
- 6 of other public and private agencies that are related to the
- 7 commission's objectives.
- 8 (11) Enter into agreements or partnerships to do the
- 9 following:
- 10 (A) Assist in coordinating activities involving state and
- 11 local government, business organizations, and nonprofit
- 12 organizations.
- 13 (B) Assist in the development and implementation of
- 14 programs by other regional agencies and entities.
- 15 (12) Enter into coordinative arrangements with:
- 16 (A) any unit of government in Indiana or an adjoining
- 17 state;
- 18 (B) an overlapping multicounty or interstate planning or
- 19 development agency;
- 20 (C) a state agency;
- 21 (D) a federal agency;
- 22 (E) a private entity; or
- 23 (F) a minority business enterprise as defined by
- 24 IC 4-13-16.5;
- 25 that are appropriate to the achievement of the commission's
- 26 objectives or to address a common issue.
- 27 (13) Provide any administrative, management, or technical
- 28 services to a unit of local government that requests the
- 29 services. The local unit and the commission may enter into a
- 30 contract concerning the commission's provision of
- 31 administrative, management, or technical services and the
- 32 cost to the local unit for the services.
- 33 (14) Conduct all necessary studies for the accomplishment of
- 34 the commission's purpose.
- 35 (15) Publicize the commission's purposes, objectives, and
- 36 findings and distribute reports on those purposes, objectives,
- 37 and findings.
- 38 (16) Provide recommendations to units of local government

1 and to other public and private agencies.

2 **Sec. 14.** The commission may adopt by resolution any regional
3 comprehensive or functional plan, program, or policy as the
4 commission's official recommendation for the development of the
5 region, subject to the power of a county to exempt itself under
6 section 15 of this chapter. The commission shall provide an annual
7 report of its activities to the legislative bodies of the counties and
8 municipalities in the region.

9 **Sec. 15.** If the commission receives a petition that:

- 10 (1) is signed by a majority of the commission members
11 representing a county affected by a particular program; and
12 (2) objects to the establishment of the program within that
13 county;

14 the commission may not implement the program in that county.

15 **Sec. 16. (a)** The commission must appoint advisory committees
16 to assist in the achievement of its objectives. The membership of
17 advisory committees shall not be limited to the members of the
18 commission.

19 **(b)** At least one (1) advisory committee must be appointed with
20 a membership that is representative of the private sector of the
21 communities served by the commission and must include members
22 representative of:

- 23 (1) higher education institutions;
24 (2) minority business enterprises;
25 (3) labor and workforce organizations; and
26 (4) manufacturing entities;

27 active in at least one (1) of the communities served by the
28 commission.

29 **(c)** Members of advisory committees are not entitled to
30 compensation for their services but may be reimbursed by the
31 commission for expenses incurred in the performance of their
32 duties.

33 **Sec. 17.** The commission may not implement, enter into an
34 agreement for, or propose a program that includes interstate
35 wastewater management or disposal.

36 **Sec. 18.** A county or municipality may periodically, upon the
37 request of the commission, assign or detail to the commission any
38 employees of the county or municipality to make special surveys or

1 studies requested by the commission.

2 Sec. 19. (a) The commission may organize into subregions and
3 provide for the following:

4 (1) The organization of subregional councils.

5 (2) Meetings and rules of procedure of the subregional
6 councils. The rules of procedure of the subregional councils
7 may be adopted as a part of the rules and bylaws of the
8 commission.

9 (b) The actions of each subregional council shall be referred to
10 the other subregional council for review. The executive director
11 and staff of the commission shall serve both subregional councils.
12 Each subregional council shall consider problems that do not
13 directly affect the other subregion. Each subregional council may
14 hold meetings and elect a chairperson and secretary from among
15 its own members.

16 Sec. 20. (a) The commission shall prepare and adopt an annual
17 appropriation budget for its operation. The appropriation budget
18 shall be apportioned to each participating county on a pro rata per
19 capita basis. After adoption of the appropriation budget, any
20 amount that does not exceed an amount for each participating
21 county equal to seventy cents (\$0.70) per capita for each
22 participating county shall be certified to the respective county
23 auditor. The county auditor shall advertise the amount and
24 establish the rate in the same manner as for other county budgets,
25 with the exception that the rate may exceed the levy limitations
26 contained in IC 6-1.1-18.5-13.

27 (b) The tax levied under this section and certified shall be
28 estimated and entered upon the tax duplicates by the county
29 auditor and shall be collected and enforced by the county treasurer
30 in the same manner as other county taxes are estimated, entered,
31 collected, and enforced. The tax collected by the county treasurer
32 shall be transferred to the commission.

33 (c) In fixing and determining the amount of the necessary levy
34 for the purpose provided in this section, the commission shall take
35 into consideration the amount of revenue, if any, to be derived
36 from federal grants, contractual services, and miscellaneous
37 revenues above the amount of those revenues considered necessary
38 to be applied upon or reserved upon the operation, maintenance,

1 and administrative expenses for working capital throughout the
2 year.

3 (d) After the budget is approved, amounts may not be expended
4 except as budgeted unless the commission authorizes their
5 expenditure. Before the expenditure of sums appropriated as
6 provided in this section, a claim must be filed and processed as
7 other claims for allowance or disallowance for payment as
8 provided by law.

9 (e) Any two (2) of the following officers may allow claims:

10 (1) Chairperson.

11 (2) Vice chairperson.

12 (3) Secretary.

13 (4) Treasurer.

14 (f) The treasurer of the commission may receive, disburse, and
15 otherwise handle funds of the commission, subject to applicable
16 statutes and to procedures established by the commission.

17 (g) The commission shall act as a board of finance under the
18 statutes relating to the deposit of public funds by political
19 subdivisions.

20 (h) Any appropriated money remaining unexpended or
21 unencumbered at the end of a year becomes part of a nonreverting
22 cumulative fund to be held in the name of the commission.
23 Unbudgeted expenditures from this fund may be authorized by
24 vote of the commission and upon other approval as required by
25 statute. The commission is responsible for the safekeeping and
26 deposit of the amounts in the nonreverting cumulative fund, and
27 the state board of accounts shall prescribe the methods and forms
28 for keeping the accounts, records, and books to be used by the
29 commission. The books, records, and accounts of the commission
30 shall be audited periodically by the state board of accounts, and
31 those audits shall be paid for as provided by statute.

32 SECTION 5. IC 36-7-7-4.1 IS REPEALED [EFFECTIVE JULY 1,
33 2003].

34 SECTION 6. [EFFECTIVE JULY 1, 2003] (a) A regional planning
35 commission under IC 36-7-7 that includes a county described in
36 IC 36-7-7.6-1, as added by this act, becomes on July 1, 2003, the
37 northwestern Indiana regional planning commission, subject to
38 IC 36-7-7.6, as added by this act.

1 **(b) A municipality or county required to make an appointment**
2 **to the northwestern Indiana regional planning commission under**
3 **IC 36-7-7.6-4, as added by this act, shall make the appointment**
4 **before July 15, 2003.**

5 **(c) On July 1, 2003, all property of the regional planning**
6 **commission described in subsection (a) becomes the property of the**
7 **northwestern Indiana regional planning commission, subject to**
8 **IC 36-7-7.6, as added by this act.**

9 **(d) This SECTION expires January 1, 2004.**
 (Reference is to HB 1010 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski